Remarks/Arguments:

This Amendment adds no new claims, and is provided to amend claims 1, 20, 26, 27 and 30. However, no new matter has been added or suggested. Upon entry of this Amendment, claims 1-38 will be pending. Claims 1 and 20 are independent.

For simplicity, the following comments, arguments and amendments are made in reference to the present application published as U.S. Patent Publication No. 2007/0274291 A1 of Diomelli (hereinafter Diomelli).

Rejections of the Claims under 35 U.S.C. 103

The Examiner has rejected claims 1-13, 17-28, 30, 31 and 35-38 under 35 U.S.C. 103(a) as being unpatentable over newly cited U.S. Patent No. 7,313,617 of Malik et al. (hereinafter Malik) in view of U.S. Patent No. 6,661,877 of Lee et al. (hereinafter Lee).

Specifically, the Examiner points to Malik as disclosing a system and method for initiating, receiving, controlling and managing different types of synchronous and asynchronous communications over LAN, WAN and Internet networks, by providing communications devices and/or terminals for permitting one or more users to transmit and receive synchronous and asynchronous communications, and providing network servers and Local Area Network (LAN) infrastructures for transporting data and all the communications between the communications devices and/or terminals, wherein all the inbound and outbound communications are initiated, received, controlled and managed by using a program, thereby replacing the use of a traditional telephone switchboard or exchange system of the PBX, PABX, or IPPBX type.

The Examiner points to Lee as disclosing such a system and method for initiating, receiving, controlling and managing different types of synchronous and asynchronous communications over LAN, WAN and Internet networks, wherein all the inbound and outbound communications are initiated, received, controlled and managed by using an *Internet Web Browser*, such that the combination of the Malik and Lee references purportedly render obvious the method as recited by the Applicant in claim 1, and an apparatus for performing such as recited in claim 20.

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The newly cited Malik reference describes a system and method for the management of communications and information resources of a user. To do so, the system and method provides a resource manager to perform a number of tasks such as controlling participation and tracking of user communications, and maintaining related information such as a message log, directory, calendar, and so forth (see Abstract). Such a communications and information resource (CIR) manager can be implemented in or through the use of a user's personal computer (see col. 2, lines 1-2), and can perform a list of communication related services (see col. 2, lines 60-67 to col. 3, lines 1-6).

The CIR manager of the Malik reference is described as a computer program provided with and executed upon a user's computer (see col. 4, lines 62-67 to col. 5, lines 1-11), that can be linked to a PC, PSTN and/or the Internet (see Fig. 2). Specifically, the CIR manager is described as linked or otherwise in communication with other PCs, PSTN and/or Internet networks (see for example, col. 10, lines 19-45, and Fig. 2). The application program of the CIR manager is described in limited detail at col. 11, lines 64-67 to col. 12, lines 1-6, and col. 14, lines 26-32. One feature of the application program of such a CIR manager is unified messaging (see col. 16, lines 43-46), and data conversions from a native format to a format used by the user (see col. 25, lines 45-50).

However, the system and method of the Malik reference substantially concerns a software (CIR) dedicated to help a *single user* manage all the communications related to the communications devices (both data and voice) owning *only to that user*. In contrast, the Applicant recites the system and method wherein the Communications Devices and/or Terminals can be those associated with different users, located at any number of different locations, and which are able to connect, by the internet and a standard browser, to a server (27). Further, the Malik reference does not disclose the managing of the communications by using an Internet Web Browser. Accordingly, the Examiner points to the Lee reference as describing such a system and method of Internet Web Browser use.

In regard to the Lee reference, a system and method is described for providing storage of, and access to, a unified message store. Specifically, a unified messaging server 11 is provided to allow access to a unified message store 12 that stores computer telephony

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messages. The unified messaging server 11 is a collection of individual servers, including a telephone server 21, email server 22, and wireless server 23, which respectively enable a plurality of computer telephony devices, including a computer system 14, personal data assistant 15, and WAP-enabled device, to access digital electronic messages maintained in the unified message store 12 over an internetwork 13 or intranetwork, or through a publicly-switched telephone network (PSTN) 16 (see for example, Lee Fig. 1 and col. 3, lines 56-67 to col. 4, lines 1-7). To do so, the Lee reference describes a system and method wherein the unified messaging systems perform the addressing and the digital storing of files (i.e., vocal messages related to phone calls, music, fax, e-mail, and so forth), that is *asynchronous communications* only, in the data base, and from which the files may be later retrieved, automatically or manually, by the users having the ability to do so.

However, as with the Malik reference, the Lee reference also does not disclose the managing of the communications by using an Internet Web Browser. For example, rows 40-46, column 4, of the Lee reference briefly mentions a Web Browser, but only to access a unified Inbox, which is described as a repository where communications are stored. Such a function of a web browser is widely known.

To further illustrate an exemplary embodiment of the present invention, a user in a first location (such as Washington) can have a device (i.e., mobile phone, PDA, notebook, or the like) connected to the Internet. Through the standard web browser (a non-specific software application) installed in the device, the user at this first location is able to send commands to the server (27), which can be located in a remote second location (such as Italy), in order to initiate a voice communication from the device at the first location to a device, such as a voice terminal, located in yet a third remote location (such as Hong Kong). During the voice communication, the user is able, still through the web browser and the connection with the server (27), to control and manage (i.e., putting on-hold, recording, forwarding, recovering, redialling, initiating a conference, and so forth) that communication and any other communication (for instance, sending a fax to a fax terminal).

In doing so, the system and method as recited by the Applicant allows any communication device and/or terminal anywhere in the world to be involved, and perform

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any kind of communication (both voice and data) on condition that an internet connection and a standard browser is provided. However, the communication devices and/or terminals do not need to have any kind of specific software installed (a standard web browser not being considered a specific software).

To further clarify the matter and expedite prosecution, the Applicant has amended independent claims 1 and 20 to recite a system and method wherein all the Communications Devices and/or Terminals inbound and outbound communications are initiated, received, controlled and managed by using such an Internet Web Browser communicating with a Web Services section (14) of the single central processor or Network Server (27) providing Communications Channels and/or interfacing sections (16-22). This is not new matter, and is supported elsewhere in the specification (see for example, paragraphs 63-70, and Fig. 1).

For these reasons, the Applicant asserts that the Malik and Lee references do not disclose or reasonably suggest, separately or in combination, each element as recited by the Applicant in independent claims 1 and 20 as amended, and respectfully requests the withdrawal of the rejection under 35 U.S.C. 103(a).

Regarding the remaining claims 2-13, 17-19, 21-28, 30, 31, and 35-38, the Examiner, in addition to the reasons stated above, further points to Malik and Lee as disclosing the elements recited in each, such that the combination of the Malik and Lee references purportedly render obvious the system and method as recited by the Applicant.

However, the Applicant asserts that the Malik and Lee references do not disclose or reasonably suggest separately or in combination each element as recited by the Applicant in independent claims 1 and 20 as amended, from which claims 2-13, 17-19, 21-28, 30, 31, and 35-38 depend, and requests the withdrawal of the rejection under 35 U.S.C. 103(a) for the same reasons.

The Examiner has also rejected claims 14-16 and 32-34 under 35 U.S.C. 103(a) as being unpatentable over Malik and Lee in view of U.S. Patent No. 6,141,411 of Robinson et al. Specifically, the Examiner points to Malik and Lee as disclosing the claimed invention

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with the exception of the system and method for searching and selecting the cheapest communications network for each communication. The Examiner points to Robinson as disclosing such a system and method, such that the combination of the Malik, Lee and Robinson references purportedly render obvious the system and method as recited by the Applicant.

The Examiner has also rejected claim 29 under 35 U.S.C. 103(a) as being unpatentable over Malik in view of Lee and U.S. Patent Publication No. 2003/0041048 of Balasuriya (hereinafter Balasuriya). Specifically, the Examiner points to Malik and Lee as disclosing the claimed invention with the exception of the system and method for communication via satellite. The Examiner points to Balasuriya as disclosing such a system and method, such that the combination of the Malik, Lee and Balasuriya references purportedly render obvious the apparatus as recited by the Applicant.
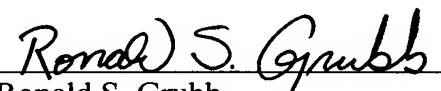
However, for the reasons stated above, the Applicant asserts that the Malik and Lee references do not disclose or reasonably suggest, separately or in combination, each element as recited by the Applicant in independent claims 1 and 20 as amended, from which claims 14-16, 29 and 32-34 depend. Accordingly, the Applicant respectfully requests the withdrawal of the rejection under 35 U.S.C. 103(a) of dependent claims 14-16, 29 and 32-34 for the same reasons.

Conclusion

In view of the above, it is believed that the application is in condition for allowance and notice to this effect is respectfully requested. Should the Examiner have any questions, the Examiner is invited to contact the undersigned attorney at the telephone number indicated below.

Respectfully submitted,

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Dated: _____ May 22 _____, 2009

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